

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HOME TECHNOLOGIES BELLEVUE
LLC,

Plaintiff,

v.

LG PHILIPS LCD CO., et al.,

Defendants.

CASE NO. C07-39JLR

ORDER

Currently before the court is the parties' stipulation for an extension of time (Dkt. # 10). Having reviewed the stipulation and Plaintiff's notice of filing with the Judicial Panel on Multidistrict Litigation ("the Panel"), the court DENIES the stipulation.

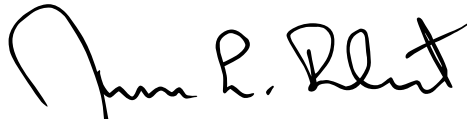
The parties request that the court extend the deadline for Defendant LG Philips LCD America, Inc. ("LPL America") to answer the complaint to the earlier of two dates: (1) forty-five days after the filing of a consolidated amended complaint in the potential multidistrict litigation; or (2) forty-five days after plaintiff provides written notice to LPL America that it does not intend to file a consolidated amended complaint, provided that such notice may be given only after the initial case management conference in the MDL transferee court. Stip. at 2. Both options, however, assume that this matter will be consolidated for pretrial proceedings pursuant to 28 U.S.C. § 1407. It is not clear from

1 the record before the court that such transfer is certain to occur and the parties have made
2 no provisions for the nonoccurrence of the transfer.

3 While Plaintiff has applied to the Panel for consolidation of his action with those
4 pending in the Northern District of California and the Southern District of New York, this
5 application does not operate to stay automatically the proceedings before this court. See
6 Rule 1.5 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation. In the
7 interest of judicial economy, however, the court sees no reason to deny a valid request for
8 the extension of time for certain deadlines. Accordingly, the parties may file an amended
9 stipulation with the court that addresses the possibility that this matter will not be
10 consolidated by the Panel. The stipulation should also address the procedure by which
11 additional defendants, who have not appeared in this matter, may join in, or object to, the
12 stipulation.
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14 For the reasons stated above, the court DENIES the stipulation for an extension of
15 time (Dkt. # 10).¹
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17 Dated this 5th day of February, 2007.

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JAMES L. ROBART
United States District Judge

24 ¹Plaintiff filed a notice with this court stating that it has applied to the Panel requesting
25 that this action be consolidated with “nearly-identical actions” pending in other courts. Pl.’s
26 Notice at 1 (Dkt. # 2). Together with this notice, Plaintiff submitted a copy of the memorandum
27 of law it filed in support of its motion for consolidation and transfer to this court. Id. The court
28 notes that the memorandum also purports to be in opposition to “the motion to transfer to the
Northern District of California.” Id. The court advises the parties that if such motion to transfer
to the Northern District of California involves the instant case, the motion should be filed with
this court. See 28 U.S.C. § 1407(c)(ii).